

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ROSARIO TINA and
JESUS G. TINA,

Plaintiffs,

vs.

COUNTRYWIDE HOME LOANS, INC.,
AMERICA'S WHOLESALE LENDER,
RECONTRUST COMPANY,

Defendants.

CASE NO. 08 CV 1233 JM (NLS)

**ORDER GRANTING
DEFENDANTS' MOTION FOR
INVOLUNTARY DISMISSAL**

Doc. No. 23


Plaintiffs Rosario Tina and Jesus G. Tina, proceeding pro se, filed this action on July 10, 2008 against mortgage lender Countrywide Home Loans, Inc. ("Countrywide"), which does business as America's Wholesale Lender, and Countrywide's trustee for foreclosure servicing, ReconTrust Company ("ReconTrust"). (Doc. No. 1.) Defendants moved to dismiss the complaint under Fed. R. Civ. Pro. 12(b)(6), and, in the alternative, for a more definite statement under Rule 12(e). (Doc. No. 13.) On October 30, 2008, the court granted in part and denied in part the motion to dismiss, granted the motion for a more definite statement on the remaining claims, and gave Plaintiffs 45 days leave to file a First Amended Complaint. (Doc. No. 22.)

As Plaintiffs failed to file a First Amended Complaint in the time allotted by the court, Defendants moved for involuntary dismissal under Fed.R.Civ.P. 41. (Doc. No. 23.) Plaintiffs filed no opposition. The matter was taken under submission by the court pursuant to Civil Local Rule

1 7.1(d) on January 30, 2009.

2 Failure of an opposing party to file papers as required by Civil Local Rule 7.1.3.2 “may
3 constitute a consent to the granting of a motion...” Civ.L.R. 7.1.f.3. Because of Plaintiffs’ failure to
4 oppose the motion, and other good cause showing, the court hereby **GRANTS** Defendants’ motion
5 for involuntary dismissal. (Doc. No. 23.) The Clerk of Court is instructed to enter judgment for
6 Defendants.

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8 DATED: February 2, 2009

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10 Hon. Jeffrey T. Miller
United States District Judge
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